

**ABUSE IN CARE ROYAL COMMISSION OF INQUIRY
STATE INSTITUTIONAL RESPONSE HEARING**

Under	The Inquiries Act 2013
In the matter of	The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions
Royal Commission:	Judge Coral Shaw (Chair) Dr Anaru Erueti Ali'imuamua Sandra Alofivae Paul Gibson Julia Steenson
Counsel:	Mr Simon Mount QC, Ms Kerryn Beaton QC, Dr Allan Cooke, Ms Katherine Anderson, Ms Anne Toohey, Ms Tania Sharkey, Mr Michael Thomas, Ms Ruth Thomas, Ms Kathy Basire, Mr Winston McCarthy, Ms Julia Spelman, Ms Alice McCarthy and Ms Natalie Coates for the Royal Commission Ms Rachael Schmidt-McCleave, Mr Max Clarke-Parker, Ms Julia White for the Crown Ms Victoria Heine QC for the Office of the Children's Commissioner Ms Sally McKechnie for Te Rōpū Tautoko, the Catholic Bishops and congregational leaders Mr David Stone for the New Zealand State Abuse Survivors Charitable Trust
Venue:	Level 2 Abuse in Care Royal Commission of Inquiry 414 Khyber Pass Road AUCKLAND
Date:	15 August 2022

TRANSCRIPT OF PROCEEDINGS

INDEX

OPENING STATEMENT BY THE ROYAL COMMISSION	5
OPENING STATEMENT BY SAGE	10
OPENING STATEMENT BY THE CROWN	16
OPENING STATEMENT BY OFFICE OF THE CHILDREN'S COMMISSIONER	23
OPENING STATEMENT BY NEW ZEALAND STATE ABUSE SURVIVORS CHARITABLE TRUST	26
MINISTRY OF SOCIAL DEVELOPMENT	
Questioning by Ms Schmidt-McCleave	28
Questioning by Ms Toohey	37
Questioning by Mr McCarthy	49
Questioning by Dr Cooke	63
Questioning by Commissioners	84

**OPENING STATEMENT BY NEW ZEALAND STATE ABUSE
SURVIVORS CHARITABLE TRUST**

MR STONE: Thank you, ma'am. In terms of a description of how I look, Mr McCarthy
whispered in my ear: You know, if you were to get the latest Muscle and Fitness magazine,

1 put a suit on him and black hair -- did I hear you right? It was something along those lines,
2 ma'am.

3 **CHAIR:** There are some parts of the evidence which we can't believe, but I won't comment on
4 that any further, Mr Stone.

5 **MR STONE:** Ma'am, I was listening to the opening statements from my learned friends, I adopt
6 everything they've said, everything they've said. And it got me thinking about my own
7 clients. And when I stood here about a year ago I made reference to the work that I had
8 done in respect of those Māori Battalion soldiers who never got their medals and I thought
9 about that and when MSD are coming here later today, and they'll probably think what an
10 earth does that kaupapa have to do with them being here today? And I thought to myself, it
11 has everything to do with today. Because those men wouldn't come forward to claim their
12 medals because the process was wrong. The process was wrong because there's a principle
13 and the principle that we call tikanga is kanoahi ki te kanoahi, face-to-face.

14 The policy then, and it is still the policy today, is that medals were sent in the mail
15 and their position was kāo, you need to do this properly. I have clients who will not
16 embark upon the MSD compensation process because that process is wrong.

17 **GRO-B** lives in a bus to Aotea Harbour, Aotea Harbour is between Kawhia and
18 Raglan. He suffers from diabetes, he's an amputee, he's a survivor of State abuse. He
19 knows that he could come forward and make a compensation claim. And I said to him,
20 "Why don't you?" He said to me, "David, the reason why I don't come forward is because
21 I need to keep what little mana I have left." Just like those soldiers who wouldn't come
22 forward because the process was wrong, their process is wrong.

23 The Army, they are calling, as I said before, the process to give these medals project
24 whakatika, to make right. The question that needs to be asked to MSD is, how are they
25 going to make it right? How are they going to give mana to **GRO-B** and the many other
26 people who refuse to come forward because their process is not right?

27 That's all I need to say.

28 **CHAIR:** Tēnā koe. Are there any further submissions by way of opening? Then that brings the
29 opening part of our proceedings to a close, Ms Beaton, unless there's anything else you
30 would like to say?

31 **MS BEATON:** No, thank you, Madam Chair, I think we take the morning break now.

32 **CHAIR:** We're actually on time, which is remarkable.

1 **MS BEATON:** We are on time but we have scheduled the evidence from the Ministry of Social
2 Development to start in the afternoon. I'm just over the break going to have a talk to my
3 friends from the Crown Response Unit about whether we can bring that forward a little.

4 **CHAIR:** Yes, if we can I think it's a good idea to give plenty of time for these witnesses to give
5 their evidence and for questions to be asked. I only ask that as soon as we know when the
6 matter is going to start that we advise the public, because they will be anxiously waiting to
7 watch and it's important that they know that it will be starting early, so just by way of a
8 warning, there's a strong possibility that the evidence of the first witness, Ms Power, will be
9 starting before 2.15; is that correct?

10 **MS BEATON:** Correct, yes, but we will notify of course the public in the room but also via the
11 livestream.

12 **CHAIR:** Thank you. Can I just acknowledge all of the opening submissions from SAGE, SAGE
13 members, from the Crown, the Office of the Children's Commissioner, from Mr Stone on
14 behalf of his clients, tēnei te mihi ki a koutou katoa. We will take the morning
15 adjournment.

16 **Adjournment from 11.27 am to 1.52 pm**